

OXFORD

MAGAZINE

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Oxford—the wonderful city of “dreaming spires”. But Matthew Arnold also reminded us that it is the “Home of lost causes, and forsaken beliefs, and unpopular names, and impossible loyalties”.

The University tends to take an understanding and tolerant view of student protesting. When, as happened last week, Magdalen MCR resolved to remove a portrait of the Queen—on the grounds that it represented “recent colonial history”—it was mainly the press that was interested. The incident no doubt caused headaches in the College but, given the autonomous standing of colleges, the University itself did not need to take a view. Protests, no-platforming and ‘cancelling’ have become almost a regular feature these days—although it is rarely possible to be certain how representative they are of the totality of students—but, as the example of an attempted no-platforming reported in our last issue illustrates, the University and the colleges have not yet arrived at ways of keeping such events within easily manageable bounds; they respond on an *ad hoc* basis and in a seemingly uncoordinated fashion, at considerable cost in terms of resources. We continue to struggle to define the reasonable limits of free speech in a university context.

The voice of Congregation

But, again last week, the problem of accommodating strongly held positions reached new levels as 150 Oxford academics (“lecturers”, as reported in the *Daily Telegraph*) signed a letter addressed to Oriel College indicating their intention to boycott tutorial and certain other, discretionary activities in Oriel in protest at the College’s recent decision not to take the Rhodes statue down. The situation could not be more muddled—the College is maintaining its stated wish to remove the statue but, for the second

time in six years, has given reasons for not actually doing so; the protesters are apparently divided on what action might immediately satisfy them, ranging from turning the statue so that it faces away from the High to attaching a notice of apology around its neck—but the strength of feelings in many directions is all too clear, so that it is impossible now to envisage a considered resolution that would mollify every faction. Oriel’s Commission to review the pros and cons of removing the statue (set up following the governing body’s renewed statement of intent to remove) took nine months to prepare a lengthy and thorough report. Even then the commissioners (selected and chaired by the head of what is actually a University

Oxford Magazine publication arrangements

We are unable to publish the *Oxford Magazine* in print for the foreseeable future, as a result of COVID19-related working restrictions. Arrangements for archival copies will be made at a later date.

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...and much more

department rather than a College) ended up split in their final recommendation regarding removal.

Future historians may well find the most extraordinary aspect of this latest *événement* to be the fact that within hours the Prime Minister, in the midst of the G7 and his first meeting with President Biden, had to announce his instant reaction to the assembled media. The PM suggested that students affected by the boycott ought to be financially compensated. The Vice-Chancellor was equally quick to respond. She was: “deeply disappointed that some of my colleagues would choose to punish students, and prospective students, for the actions of their college’s governing body, especially after the prolonged disruption of teaching during the pandemic”.

The schisms that we see increasingly in evidence in society – and there are so many lines of potential schism out there – are inevitably becoming ever more apparent among University staff and at a certain point this has to become damaging and dangerous. Modern communication media mean that individuals can easily be targeted and put under intolerable pressure, with obvious impact on their well-being and capacity to work normally. One result is self-censorship. This was not how free speech was meant to work.

Oxford is unique, as far as we known, among world universities in having had, in *Oxford Magazine*, a continuous commentary cum diary on University affairs – more or less continuously since 1883 – and a route where unpopular and even far-out views can be expressed and answered, openly in front of the whole staff community. The article concerning the recent no-platforming incident in last week’s issue of the *Magazine* is a case in point. We have since received a number of rejoinders and, of course, it is our intention to publish them in due course.

Our proudest moment, as the *Magazine*’s co-editors, was when Jon Stallworthy described the *Magazine* as “the conscience of the University”. The *Magazine* is part

and parcel of another equally unique and fundamentally important Oxford institution, Congregation. As we read recent history, the *Magazine* has played an increasingly significant role at a time when Congregation has become marginalized as the primary token of our democratic form of governance. No Discussion or voting meetings of Congregation have occurred for well over a year and a dysfunctional trend in its effectiveness has been evident for much longer. The *Magazine* endeavours to fill the silence, to seek out and draw attention to the critical policy issues as they emerge.

A high point in the *Magazine*’s history was perhaps the governance debates in the mid-1990s which secured the system of governance we still operate under in the face of radical proposals to overturn them only five years after their establishment by the North reforms. The *Magazine* published a long succession of articles presenting the arguments on both sides in the long lead up to the decisive Congregation meetings which, despite the high level of emotion, were conducted in eminently civilized fashion, chaired by the author of the overturned radical proposals.

With the plethora of new communication channels available today and the welter of freely expressed opinions that they facilitate, it gets much more difficult to reconcile competing points of view. Until relatively recently a debate in Congregation served that role admirably: the governance debates left few lasting scars. Now this approach seems less available to us. Due primarily to the barriers to timely and open access to essential information regarding University planning, Congregation and staff generally have become less and less engaged in University affairs: they are no longer being heard.

To end we want to record our sincerest thanks to generations of the staff of Oxuniprint as it is about to close. In their skills and invariably conradely support it has been they who made the production of the *Magazine* possible.

B.B., T.J.H

NOTICE

The Editors of the *Oxford Magazine* regret that they cannot publish any material submitted to them anonymously. If the author requests publication on the basis that the author’s name and university address be withheld from the readership, the Editors will consider the reasons given and in their discretion may publish on that basis; otherwise the material will be returned to the author.

In the floodplain

JOANNA INNES

THE pandemic drove me, as it drove many another Oxford resident, into neighbouring meadows and woods. Because what else was there to do, after I'd hunkered down for a couple of weeks, cultivating my garden? I live alone; I wasn't supposed to meet anyone or talk face to face. I'm retired; I had plenty of tasks to discharge, academic and otherwise, but no job to be done in specified hours, or requirement to engage with students or colleagues. I could sit at home and work or read or listen to music (I did a lot of that) or I could go out and explore.

I bought my house in Iffley Fields—what was once the north end of Iffley's common fields, between the Iffley Road and the Thames—in 1986. During all the years that have passed since, I'd often crossed over Donnington Bridge and walked along the towpath, north and south, though more in the early days and since I retired. But I hadn't explored the open spaces along the river or other watercourses (the Shire Lake Ditch; Weirs Mill Stream). Thirty-five years and I'd never penetrated the open spaces at the end of my road: the Kidneys, Aston's Eyot. That's because mainly I walked to get to places, or, if I walked for pleasure, as I often did, I walked elsewhere: the Cotswolds, Wales, the Amalfi coast, the Atlas mountains, Patagonia, Kamchatka. I'd made several extended academic visits abroad, to Australia, Japan, Germany, France. I was used to amusing myself in a strange place by walking in an ever-more-broadly-defined neighbourhood, trying to find out, by paying attention and reading, about what I was seeing. Now the only option seemed to be to practice those explorer skills closer to home.

There were a lot of other people doing it. Friends in London complained that even the open spaces were crowded. Round me they were wide open—but wherever you were, there was always someone. Someone who might seem to know where they were going, but often not. Do you know where this leads? Never been here myself. A strange new form of unsocial sociability developed around these probings into the local unknown.

It took me only days to learn again something that I first learned when house-hunting in Oxford: you can't go very far in any direction without hitting water. Two rivers and a canal....but when you're walking around the rivers, you discover also lots of minor water-features: ditches, streams, brooks. I kept looking at maps to work out how they joined up. And then, poking around on the internet, I discovered the very illuminating *Oxford Area Flood Map*, associated with the third edition of *Oxford Area Flood Information* (pdfs on line). It laid out the watercourses, and gave them names. Now I know that much of this information can also be found on the Environment Agency's Main River arcgis map (long web address, but type 'EA main river' into Google and it should take you there. One of a number of informative Environment Agency maps). You might be surprised to learn quite how many ditches are 'main rivers'.

I walked, took photos, looked at maps, swapped tips with my neighbours over the garden wall about off-road access routes from A to B, learned what I could from the

internet about what I was looking at and how it had taken form, and wrote up travel reports in Facebook, my normal practice in recent years, a way of recording and sharing my experiences. And I came to think, Maybe I should do this in a slightly more ambitious, slightly less ephemeral format; maybe I should write a blog. I'd never written a blog, but I knew people who had: how hard could it be? Some e-mail exchanges with those who'd done it; a week-end with lots of swearing, and I had a blog up and running: *Life in the Floodplain* (www.jminnes.wordpress.com).

It felt like a metaphor, but it was also a subject. Oxford from the perspective of its rivers. What were these rivers? What was the logic of their layout? What had people used them for?—driving mills; carrying cargoes; carrying off waste; fun. (The main rivers were less used for drinking water than you might think: there were once wells scattered around the city, and institutions piped water down from the hills). What sort of life developed around the rivers and canal? What kinds of infrastructure?—wharves, pubs. What uses were found for the land adjacent?—meadows, playing fields, allotments, dumps, nature reserves. To what extent did uses of rivers or adjacent land compete; how were they contested; how were these various enterprises managed? Who owned the floodplain?

I'm a historian by trade, so the questions came easily. I was much influenced in my graduate years by a slightly older friend with a background in geography, who'd impressed on me the need to have a sense of place to understand past or present. But I'd never turned my hand to any kind of environmental history, though I had read some of it, especially in association with my travels: I'd never tried to write about the interactions between human beings and the landscape. I had never practised a kind of history where the questions arose mainly from what you saw. And I'd never been dependent almost exclusively on the internet for answers.

I had a lot to learn, and not just about the land and water and its past. My knowledge of flowers, trees and birds was rudimentary, and I thought that needed work. It's taken a while to train my eye, which is still very unsophisticated. I had written and published a whole post about geese before I noticed that what I had sweepingly characterised as Canada geese only sometimes were (there are more Greylag geese). Friends corrected my speculative flower identifications. For some reason I found it particularly hard to tell one 'purple flower' from another; this became a running joke on Facebook, and in due course, purple flowers earned their own dedicated post.

The history of course is all cribbed from others' work (which I cite and when possible link to). *The Victoria County History* is a treasure trove (www.british-history.ac.uk/vch/oxon/vol4). There are many informative local history websites, though it took me a while to notice that my word searches kept leading me back to the same sites, and even longer to identify the individuals behind the sites: Oxford History (www.oxfordhistory.org.uk/)—Stephanie Jenkins), Local History in South Oxford (southoxfordhistory.org.uk/)—Liz Woolley), Oxford City Water

Walks (oxfordcitywaterwalks.wordpress.com/ – Mark Davies), the History of Oxford Facebook page (Robert Quick). Following up reports on conservation work associated with Wild Oxford sites among others (www.bbwt.org.uk/wildlifeliving-landscapes/wild-oxford), brought to my attention the work of the tireless local freelance ecologist, Judith Webb.

When I started the blog I developed a template and a programme. I would group posts in threes, one about a topic, one about a place, and one about ‘wildlife’. I started with a list of some of the posts I hoped to research and write, and after a few weeks had settled on a total of 12 trios: 36 posts. I wrote three a week, a Stakhanovite pace, especially as my knowledge and curiosity grew and the posts became longer and more intricate. Shortly before I moved from pre-blog to blog stage, national restrictions were eased to make it possible to meet with one other person for a walk. I dragooned a small corps of friends into service as walking companions. At the end of July, the pubs opened for outdoor dining, and I celebrated the long walk that was the subject of my intended final ‘place’ post with my first beer in months.

But...there were some things I was still curious about. Cold weather returned, restrictions returned, walks became once again for me the only permitted basis for sociability in the flesh. I resumed the blog, but now at a less disciplined pace. I read about local geology: very illuminating. I ordered through the post some archaeology books (*Archaeology of the Gravel Terraces of the Upper and Middle Thames* is a compelling read – no, seriously), and a book of old maps (Daniel McCannell, *Oxford: Mapping the City*). Whereas initially I’d taken most interest in the span of time that ran from my own period of specialisation (the eighteenth century) to the present, now I began to piece together some basic notions about the medieval and early modern city. Moreover, instead of starting with what I saw and working from there, I began starting with topics (gravel pits; springs; eels) and then making my way to associated places, sometimes further afield (Radley gravel pits; the healing well by Long Leys beyond Cumnor; eel-related landscape features at Dorchester). Eels turned out to bring together natural history, history and landscape in an unusually satisfying way – and in that connection I thought to experiment with crowd-sourcing memories of eel-fishing (through the History of Oxford Facebook page). Eels also drained me for a time. Through March and April 2021, although I still had posts in mind to write, and even started drafting one, my energy for this pursuit flagged. I’m still correcting errors and adding odd scraps of information to old posts; I’m still trying out new combinations of old walk segments, and even finding new walks. But a year after I started the blog, I’ve laid it to rest for a second time. Will I take it up again? Impossible to say. In any case, there it stands. A handful of people across the world visit it every day – mostly from the UK, but in its year of life it’s had visitors from 58 countries across 5 continents. Now they mostly find it using search engines, because it’s had enough visits for search algorithms to flag it up.

This was an enriching pastime for me: physically, emotionally, intellectually and socially. Why waste a crisis?

Hawk

He is not afraid of this wind
That seems to move the air around
Like a pair of hands, and turns
My blue tablecloth into a sail.

He appears directly above me
Straight from the midday sun, swoops
Into the backyard with a war-cry,
His shadow darkening the grass.

How he plays into the thermals,
How he strides the currents! Blinding
Sunrays through his wings, it seems
As if he wears a cloak of godly fire.

He decelerates with exhilarating ease,
Turns above the chimney, so close to me,
The sun stings my eyes full of him,
And, when I see again, he is not there.

Nest of songs

I want to nestle you in the songs of orioles,
Weaving mating calls across the maples
Their voices concolorous, suave,
Wheeling leaves from enchanted trees.

This house withstood the test of isolation
Four seasons and one more
With just some paint peeling off the walls,
But not you; you whittled in silence
With the wall of one sentence: “I do not know.”

Yet, here we are, above the ground,
Suspended between spring songs tangling
In air all around the garden and the streets,
Palms of the magnolia opening to say, “Hold this.”

CARMEN BUGAN

Carmen Bugar’s new and selected poems, *Lilies from America*, was published in 2019. She is also the author of three other collections of poems, a critical study on Heaney and East Europeans, and the memoir *Burying the Typewriter: Childhood Under the Eye of the Secret Police*. Her book of essays on politics and poetics, *Poetry and the Language of Oppression*, is published by Oxford University Press. She lives in Long Island, NY, and teaches at the Gotham Writers’ Workshop in Manhattan.

Congregation and the Language Centre

– a view from below

GUIDO BONSAVER

Two years ago, on 2 July 2019, a Congregation Resolution was carried by Council and so approved without the need for a vote. It was the climax of a crisis which had started when the Language Centre's management had announced their decision to introduce one further structural development: this time it was the closure of the library and a redundancy package being offered to its librarian (who eventually left). It was at that point that a group of members of the University – not necessarily specialists in language learning but rather previous, grateful users of the Centre – discovered that so much had changed.

What had changed? A quick recap. Prior to his retirement in 2016, the Language Centre (LC from now on) had been directed for about twenty years by an academic, a specialist in foreign language learning, whose deputy was a specialist in Academic English. Their management was monitored by the Committee for the Language Centre (CLC), mainly formed by academics from stakeholding departments, and, in its early years, chaired by a Head of House. By 2016, in times of structural changes in the University's administration, the LC had been moved into AAD (Academic Administration Division); it was then that began its history of being treated as an administrative body rather than an academic one. The next step was when the then Registrar proposed to appoint an administrator as new LC director. The pledge to the CLC was that the appointment was going to be for two years only. However, in those two years the “de-academicisation” of the LC continued. First the CLC was disbanded by Council's Education Committee following a move to streamline its decision-making structure. After which a new post was created – Head of Modern Languages Programmes – who, together with the Head of Academic English was made to form a triumvirate under the director's leadership. In other words, where two academics once stood, we had now two academics under the direction of an administrator. In 2018, the administrator in charge was confirmed in post by the Academic Registrar.

The only problem was that the LC was under a strict budget, in a climate of cuts. And this takes us to the library. No doubt the concept of an LC Library needed to be brought into the 21st century. At the same time, getting rid of it and of its librarian made financial sense.

And so the afore-mentioned group of people, after consulting various colleagues with first-hand knowledge of the situation, decided that a Congregation Resolution was the only way to trigger a serious re-thinking of the situation. Detail of the heated debate which preceded it can be found in articles published in the *Oxford Magazine* issues in Trinity Term 2019. The bottom line is that the Resolution asked for the reinstatement of the CLC, and for an independent External Review to examine the management of the LC since 2016. It was signed by 230 members of Congregation, thought to be historically the

highest number on record. And given the weight of the support, Council carried the Resolution.

The rest should have been the history of the Resolution's implementation. In reality, it became the story of its neutralisation. The key decision was taken by the chair of the newly re-established committee, the P-V-C for Education, who proceeded to select a single name for the post of External Reviewer, before the CLC had even met once. His choice fell upon a Cambridge administrator with no experience in the management of a language learning institution. The author of this article, as faculty-elected member of CLC, questioned the rationale and the spirit of this decision, but to no avail. With hindsight, the Resolution organisers had been naïve in not thinking through every step of what could have happened. Had they done so – and I was one of them – the Resolution should have specified the required expertise of the independent reviewer, and asked for the transparent election of the CLC representatives and chair.

After that first CLC meeting, what followed had the same painful look of those chess games in which your defeat has become evident but you have to limp on until the inevitable checkmate. The external review found little to criticise (although it admitted that some decisions might not have been taken had the CLC not been disbanded), and the internal one followed on by mainly carrying the recommendations of the external. In the meantime, the neutralisation continued, with the cancellation of the odd CLC's termly meeting. Of course, the pandemic was a nightmare for us all and it would be foolish to try and diminish its impact. It is a fact, though, that during the whole of 2020, all the divisional bodies I was involved in (from graduate studies to undergraduate admissions) managed to meet regularly and fulfil their duties. The CLC, instead, was sidelined, to the point that in Hilary and Trinity 2020, when the LC faced radical decisions concerning its delivery of teaching, it was never consulted, despite its institutional duty (“to determine the policy of the Centre”) and the advice that some of its members could have offered given their experience in a number of different departments.

There were positives, though. The reinstatement of the CLC led to constructive guidance being added – when allowed – to the leadership of the LC. More importantly and looking to the future, both reviews propose plans for the strengthening of the LC which hopefully Council is going to implement. The Language Centre, in other words, is now treated with more respect and care, and that is what everybody wanted. This is good, and well worth the fuss created by the Resolution.

* * *

However, there is also a more general lesson to be learnt. For someone who, since arriving at Oxford, had

been wondering what the role of Congregation was, this was an eye-opening experience. On the one hand it proved that Congregation is still a powerful institution when its members funnel their will through a focused demand. On the other, it felt like an institution nearing the end of its purpose. Colleagues involved in the life of their colleges know how important their Governing Body is to them, and dedicate much time and energy to it, hands-on. Put simply, over seven centuries ago, Congregation was devised to play the equivalent role at University level. Today, however, it has become a monumental empty box, functioning only when single-issue matters flare up and a few hundred colleagues (an increasing number of them administrators) descend on the Sheldonian for some exceptional, memorable meeting.

Perhaps this was inevitable. Locked into today's high-pressured jobs, we simply have no time to dedicate to the governance of our University on top of contributing to the governance of our colleges. Most of the time our involvement is limited to an electronic vote through which we

elect our Congregation representatives in Council. And good luck to them. But are we not always proud to boast that we are the most democratic higher-education institution in the world? And isn't that embodied by meetings of Congregation in the Sheldonian?

Perhaps I am being naïve and have simply misunderstood the role of Congregation as the sovereign body of the University. After all, when I arrived, seventeen years ago (post-North reforms of University governance), I was surprised to note that, whereas college questions were so important to all, Congregation was hardly ever mentioned. The date of its scheduled meetings could not be found unless one trawled through the *Gazette* like an eager trainspotter.

Perhaps the time has come for a new, open debate on how we can act as an effective self-governing body in the 21st century. And Congregation should have a firm voice in setting its course, through every step – if nothing else to know where we are, and what we want as a community, beyond the frills of century-old traditions.

Silver

(for Susan)

'I love you'
'And I love you more than you could ever imagine'
'I love you so much'

Date: 18 May 2017 at 07:57
Date: 31 August 2017 at 22: 00

This simple truth
Between mother and child,
Emails from a cloud,

Printed and pinned
Below photos and slides
Which show us,

In this silver year,
Blurred or clear,
Before we knew.

I am listening to the
Music you love dear,
And thinking of you

And of her,
Of how one then two
Make three,

And how it
Shines so,
You, her, me.

CHRIS FLETCHER

Christopher Fletcher is Keeper of Special Collections at the Bodleian and a Fellow of Exeter College.

WFH

Up the locked-down street
squawking like seagulls
come the online shopping vans.

Tired drivers press bells
and crouch to photograph
their doorstep offerings.

Pale home-workers
tiptoe from computers
with unwonted vitality.

Clutching their delivery
they take the stairs in bounds
avid for a good unboxing.

Before the bedroom mirror
hope flares for an instant
and disillusioned dies.

Returned to spit-specked screens
they resume the surveillance
of colleagues' lives

strange decorative schemes
kitchen haircuts
children without friends.

From the locked-down street
sad as empty hearses
leave the online shopping vans.

TONY HUFTON

Tony Hufton is a freelance writer living in Norwich.

Oxford's transparency problem

G.R. EVANS

How transparent is the University required to be?

In terms of its statutory obligations in openness, the University has to be able to explain itself to Government and to bodies involved in its 'Registration' as a university and in its funding. However, in recognition of the autonomous status of universities, the statutory requirements are limited.

Higher Education and Research Act of 2017 sets out among the 'general duties' of the Office for Students s. 2 (1) (g) the requirement that its 'regulatory activities' should be '(i) transparent, accountable, proportionate and consistent, and (ii) targeted only at cases in which action is needed'. When a higher education provider applies for registration, the OfS may (s.3 (5)) 'determine' the 'information to be contained in' the application 'or provided with it'. Moreover, s.3(6) allows the Secretary of State 'by regulations' to 'make provision about the information which must be contained in an institution's entry in the register'.

In the context of its 'fair access' duties, which it absorbed with the former Office for Fair Access, the OfS must set (s.3(9)) a 'mandatory transparency condition for certain providers' requiring them 'to provide to the OfS, and publish, such information as the OfS requests' in relation to 'the number of applications for admission on to higher education courses that the provider has received' and 'the number of offers made by the provider in relation to those applications', also 'the number of those offers that were accepted' and 'the number of students who accepted those offers that completed their course with the provider'. The provider must also state:

'the number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider.'

The OfS can also ask for a breakdown of the numbers by the gender, ethnicity and socio-economic background of the students. The Secretary of State may require a report from OfS (s. 37) on such 'matters relating to equality of opportunity' as he may specify. Oxford has to comply with these requirements and indeed early found itself under a 'Registration Condition' for failing to ensure sufficient 'fairness' of 'access' in its admissions.

Information held by the OfS does not necessarily remain confidential. It may be 'provided' to 'any person', for 'the purposes of the performance of a function of the OfS' or of 'the performance of a relevant function of the relevant person', restricted only by the requirements of the Data Protection Act. The Secretary of State may make regulations defining the relevant function of a relevant person. Overall, the OfS must compile and publish (ss.64-5) information on its registered higher education providers and the courses they provide. The National Student Survey is managed by the OfS on behalf of all the UK funding and regulatory bodies – the Department for the Economy (Northern Ireland), the Scottish Funding Council and the

Higher Education Funding Council for Wales – and is responsible for the publication of its results.

The Higher Education and Research Act's division of teaching and research between OfS and UKRI made necessary (at s.112) provisions about the sharing of information between them. They may disclose to one another information for the purposes of the exercise of any of their respective functions. So the adequacy of Oxford's disclosure of information may be relevant here too. UKRI states for its part that it is 'committed to openness and transparency':

'We make information about our activities widely available through our website and publications unless there is a good reason not to do so.'

It has an accessible 'publication scheme' and provides information about the research it supports.

The Office of the Independent Adjudicator, created under the Higher Education Act 2004, is transparent about its activities in various ways, through an Annual Report and the regular publication of discussions of the outcomes of complaints it has considered. It considers 'sharing learning'¹ from its own handling of complaints to be important in helping improve the handling of complaints and appeals within institutions. In recent years it has published Annual Statements on the performance of each provider, against that of comparable institutions, rated by their numbers of students. This includes the number of Completion of Procedures letters provided to students. The OIA encourages each provider 'to share the information in its Annual Statement at appropriate levels within its structure, including at governance level, and with its students' union or student representatives'. Oxford's performance is online with that of other institutions,² and the Annual Oration of the Senior Proctor always includes the figures for student disputes as far as they are dealt with internally.

From time to time the media criticise universities' use of non-disclosure agreements, which keep secret the terms of a retirement or redundancy settlement. Gagging clauses are normally entered into only in circumstances stressful for the individual affected. Any such clause must contain an assurance that disclosures in the public interest are protected under the Public Interest Disclosure Act which came into force in January 1999. By 30 June 1999 the *Gazette* had published Oxford's own *Public Interest Disclosure Procedure* (Supplement (3) to *Gazette*).

As it happens, Oxford's record with non-disclosure agreements is not above reproach. Freedom of Information requests by *Times Higher Education* found in 2019 that it had concluded 256 of them in the previous five years.³ *The Nolan Committee on Standards in public Life* included a recommendation against gagging clauses in its second report, though HEFCE envisaged conditions in which they might exceptionally be acceptable.

How much do we get to know internally?

Speakers at meetings of Congregation have not held back in saying what they think, and from 2005 it became routine to publish debates at meetings of Congregation verbatim in the *Gazette* where all the world might read them online. Exceptionally, that has been known to nudge the University to be more open. During the debate on a Congregation Resolution on the controversy which erupted in 2015 over graduate student housing at Castle Mill, one speaker uninhibitedly spoke of ‘the construction of a disappointingly humdrum and unambitious rental barracks at the heart of Oxford’. Others spoke equally strongly. The Registrar apologised publicly in the debate for the mismanagement of the process (*Gazette*, Supplement (2), 18 February, 2015). The Vice-Chancellor made a point of mentioning this apology in his Oration that October:

‘The Registrar spoke frankly of the lessons to be learned from Castle Mill on consultation and listening. We shall learn those lessons.’

However, Congregation can exercise its sovereignty in a call for timely debate only when it knows enough about policies to judge that a debate is needed. The problem lies in the late stage at which a matter gets its outing in the *Gazette*. Rather than being mandated in the Statutes and Regulations, the categories and detail of the information the *Gazette* is required to publish are largely laid down by custom, or as necessary in order for Congregation to do its work as the University’s sovereign and legislative governing body. The welcome new Précis published with the *Gazette* has made that material more accessible but no broader in scope.

Of the preliminary stages of the formation of a new policy proposal or strategy almost nothing may be mentioned to the University, let alone Congregation, until it has become a ‘done deal’. In Michaelmas 2018 secret meetings of a ‘Rooster’ group were held, ahead of the launch of a new graduate ‘college’ (*Oxford Magazine*, No. 407, 0th Week, TT 2019). Much trouble was taken to keep the planning ‘confidential’ until a press release of early December. The Council, PRAC, and the Curators of the Libraries affected by the proposal to move the new ‘Parks’ (now Reuben) college into the Radcliffe Science Library were given minimal information. Congregation approved the plan in a consolidated meeting in May 2019 (*Gazette*, Supplement (1), 15 May, 2019), despite a Flysheet setting out in some detail the failures of due diligence and the lack of consultation or discussion in Congregation on the full proposals.⁴

Similarly it proved possible to announce the launch of a new Pandemic Sciences Centre to the Press on 28 May 2021 with no preliminary warning at all to Congregation and even less detail on practical and constitutional points, such as where it might fit in which Division.

There are further dimensions to this slapdash practice in informing the University in good time. Much of the preliminaries are not published at all, or circulated only informally in a blog or comment by a ‘Senior member’ such as a Pro-Vice-Chancellor. Workshops and other meetings of categories of staff may be scheduled, with questions to be sent in beforehand and no full published record of the replies or what has been learned. A certain amount of relevant information is published online but behind Single-

Sign-On, though the way it is decided what is to be hidden in this way varies widely and there appears to be no rule or procedure for making the decision.

Does the University have transparency standards?

The problem is at base the one recognised by the Freedom of Information Act (2000). The Act established (s.1) a ‘general right of access to information held by public authorities’, and although for many purposes universities are not public authorities, under this Act they are, and so are Oxford’s colleges. However, the Act recognises the difficulty that there may have to be private space for exploratory discussion before ‘information’ reaches a stage where a public body has to disclose it if asked. So s.36 (2) (b) of the Act protects information whose disclosure:

‘would, or would be likely to, inhibit (i) the free and frank provision of advice, or (ii) the free and frank exchange of views for the purposes of deliberation, or (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs’.

Oxford makes some effort to explain the rules the University works to here. ‘Compliance’, the new section in the Assurance Directorate reporting to the Registrar and part of the UAS, sets out the University’s ‘Publication Scheme’ online.⁵ There is also an online ‘Guide to Information’.⁶ But these do not attempt to explain where in the thicket of the University’s ‘exchange of views’ and ‘deliberation’ what takes place can, or should be, kept behind a bush.

The University’s arrangements for taking soundings beyond the level of the informal exchanges which can prove important in developing new policies are complex. That greatly compounds its problems in judging for itself what ought to be published, whether internally or more broadly, to whom and when. In Congregation it has a sovereign body of well over five thousand who are certainly entitled to be kept informed, and a Council accountable to that body. The Council has its own main committees and there is a lengthy list of committees reporting to them, or directly to Council, and yet other boards and committees, reporting variously.⁷ There is published a diagram of those.⁸

Then there are the bodies within the University Administration and Services, whose website now has the heading ‘Professional Services and University Administration’.⁹ There are currently listed fourteen ‘Divisions’ and ‘Offices’, most with numerous sub-sections. Administrative staff still serve in the traditional way as a secretariat to all these committees, and often carry out the drafting of papers and minutes for them to consider. Within the colleges too, individually and jointly, there are committees and other bodies with secretariats of their own.

There seems to be no consistent record-keeping to a protocol setting out good practice about the right time for publication. A Flysheet from Congregation-elected members of one body, the PREVENT Steering Group, published with the *Gazette* of 25 January, 2018, described how they had found that ‘decisions were increasingly taken outside the PSG, without consulting it or allowing it to exercise due diligence’; that when these members had raised concerns they ‘went unanswered’; that they ‘did not receive notification of, or updates on, decisions being

made'. With 'great reluctance' they had therefore resigned. This, it was suggested in the preamble to a Congregation Resolution (*Gazette*, May 10, 2018), 'underlined a chronic breakdown of decision-making and delegation of powers, and a lack of accountability within the University administrative structure'.

Even members of the Council, privy to more than most, have complained on the record that the papers which come to Council meetings are often 'pre-digested' and their origins and development unclear. It was noted that it had been recognised in Council's self-review of 2015 (Council Paper C(16)04) that 'a number of people talked about the asymmetry (of knowledge) which exists between members of Council who are in the University administration and the elected members':

'All too often, so-called 'strategic' issues come to Council 'wrapped in a ribbon'. They tend to be pre-cooked, having gone through several Committees on their way to Council.'

That meant that 'some members may have seen the same paper half a dozen times, while others will never have seen it before'. This greatly affected the way discussion worked. Some members involved at earlier stages had already formed a view and it could be 'difficult to challenge the proposals'. It was suggested that 'Council should be brought in at a much earlier stage in the process when there are genuine options on the table so that there can be real exploration of the issues' (*Gazette*, 10 May, 2018).

The prime importance of Council's self-reviews

The above-described Congregation Resolution of May 2018 proposed that the 2018 Council Self-Review should be conducted by a body afforded by five elected members of Congregation, with nominations published in advance in the usual way for Congregation elections. The proposal was withdrawn by the signatories before it could be debated and in the event the processes evolved quite differently. In the *Gazette* of 29 November, 2018, Council published a Notice to say that as it completed its new self-review it would like to consult widely 'on the matter of information flow, communication and dialogue with Council'. There would be Workshops, each to 'be attended by Council members together with a facilitator and colleagues who wish to engage in the discussion'. The first would be for 'professional services staff and employees on flexible contracts and teaching-only contracts', the second for early-career researchers. Invitations to more Workshops were circulated in January 2019.

The *Gazette* carried no account of what came of these or what happened next in the Council's self-review. The Council's website has no link to the conduct of this most recent self-review. There is no openly published text. However, at its meeting of 24 June 2019, the Council took a view of the outcome of what had become its 2018/9 *Effectiveness Review*. Its paper C(19)53 consisted in a summary of 'key issues', the first few of which pointed to the need for 'mechanisms which facilitated two-way communication between Council and members of the University' and for 'communication and engagement with the wider University community'.

At this meeting the Council also had before it a paper

with sixteen proposals about what should be done. It 'considered' this. It approved them all except (8), (12) and (13), which it agreed to consider further in Michaelmas 2019.

Proposals (4) and (5) included a variety of suggestions about better communication of Council business, using all-staff emails and fuller information on the Council webpage. Elected members had pressed for 'improved communication with Congregation around issues where progress is being made, but of which the wider University is unaware'.

Proposals (9) and (16) concentrated on the internal operation of Council. Members of Council 'were unclear how the agenda for meetings was agreed' and whether they could influence it. It was suggested that forthcoming Agenda items could be 'trailed' at the end of the Agenda for the previous meeting. There was a sense that 'by the time papers came to Council they were pre-digested and Council members had very limited opportunity to scrutinise the basis on which recommendations were being made'. That was to be addressed by ensuring that 'sufficient information is provided for Council members to understand the basis on which recommendations are being made.'

Proposals (12) and (13) concerned the membership of Council. Proposal (12) was for an increase of external members from 4 to 6 'in the light of the value that is added to Council discussion through access to external expertise and perspective'. That sat oddly with concerns recorded in the 2015 self-review, and cited in preparation for this one, that 'external members rarely have direct experience of the higher education sector' and that they 'would be more effective with a deeper understanding of how higher education worked' (*Gazette*, 10 May, 2018). Nevertheless, this exact wording about added 'value' was included in the Legislative Proposal to change Statute VI to increase the number of external members from four to five. This was published in the *Gazette* of 14 November, 2019, and approved without debate by Congregation on 3 December (*Gazette*, 5 December, 2019) and then by the Privy Council.

Proposal (13) was to allow 'a representative of the Early Career Research Forum' to attend Council on the same basis as the student representatives, but only for unreserved items. It was asked whether it might be possible for such a member to stand for election to the Council, or whether and elected member might act as a 'champion' for such staff.¹⁰

Of those proposals deferred for further thought, Proposal (8) was for a review of the membership of Congregation and the conduct of its business. It was suggested that that should be conducted by the elected Congregation members of Council and the Proctors. The review's remit would include 'how the links and communication with Council might be improved'. Access to or information on the 'University Discussion Forum' remains internal-access (SSO) only.¹¹ This and several other recommendations have apparently not been followed up.

The success of the proposals to which Council agreed at its meeting at the end of June in 2019 became harder to judge with the arrival of Covid-19 a few months later. A period of extraordinary governance began in early 2020 when the Council delegated powers to the Vice-Chancellor under the Crisis Management Plan. There was a shift to a new mode of online and email communication, under the auspices of the Public Affairs Directorate, which had

some difficulty in hitting the right style, tone and level of detail to give the impression that there was any new expectation about transparency. *Blueprint* gave rise to a *Bulletin* which became the *University Bulletin*, circulated to all-staff behind SSO. It was to the credit of those engaged in the ‘crisis’ governance that it was announced in the *Gazette* of 13 May 2021 that there were to be ‘significant steps in the coming months towards phasing out many elements of the temporary COVID-19 crisis management framework’, but the details remain unclear.

In conclusion

As Max Weber said, ‘Bureaucratic administration means domination through knowledge’.

‘Transparency’ is not a requirement explicitly laid down in Oxford’s Statutes and Regulations and, as I have pointed out, the statutory obligations from government are not onerous. Oxford’s sheer complexity makes it no small matter to ensure that there is always an adequate and open record of the way in which something reaches the point of becoming a decision. However, a very great deal depends on the open availability of information in the University: without it trust will be lost.

¹ <https://www.oiahe.org.uk/about-us/sharing-learning/>

² <https://statements.oiahe.org.uk/statement/MDNlMmNlNWEtZjFjZS00ZmM1LWExMWQtZTgwYWNiNmQ3MWRjLzlwMjA%3D>.

³ *Times Higher Education*, April 11, 2019

⁴ https://gazette.web.ox.ac.uk/sites/default/files/gazette/documents/media/flysbeet_1_-_amendment_to_proposals_establishing_parks_college.pdf

⁵ <https://compliance.admin.ox.ac.uk/publication-scheme>

⁶ <https://compliance.admin.ox.ac.uk/guide-to-information#collapse1082081>

⁷ <https://governance.web.ox.ac.uk/committees>

⁸ https://staff.admin.ox.ac.uk/sites/default/files/staff/documents/media/university_committees.pdf

⁹ <https://staff.admin.ox.ac.uk/structure-and-organisation/professional-services-and-university-administration>

¹⁰ The Research Staff Hub launched on 22 April 2021 did not include in its announcements an indication of how it would be ensured that the voice of research staff was heard on the Council.

¹¹ <https://governance.admin.ox.ac.uk/council/university-discussion-forum>

The Ship of Fools

“The crew are all quarrelling with each other about how to navigate the ship, each thinking that he ought to be at the helm; they know no navigation and cannot say that anyone ever taught it them, or that they spent any time studying it” (Plato, *The Republic*, Book VI)

“I think the people of this country have had enough of experts” (Lord Chancellor Michael Gove)

The
Ship
Of Fools
Boasts a sail
Hastily designed
By pea-brained buccaneers who sniffed
Some profit in the wind and loudly set off to find
Glory for themselves. They will fail:
The sail has no lift.
They give rules
The slip,
Free
From
Constraints
Of wisdom
Or care for others.
They only want to be admired.
They must have been sadly neglected by their mothers
Or suffer from neural complaints.
Our ship of state’s hired
Such a crew
Of nit-
Wits
Too.

JOHN FULLER

John Fuller is an Emeritus Fellow of Magdalen College, where he was formerly a Tutor in English. His latest publications are a new collection of poems, *Asleep and Awake* (Chatto, 2020) and his ninth novel, *Loser* (Shoestring, 2021).

The editors invite and welcome contributions from all our readers.
The content of Oxford Magazine relies largely on what arrives spontaneously on the editors’ desk and is usually published as received.

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Eleanor at the Window

*After Buster Keaton**

Pencilled in on the architect's blueprint,
I'm looking out of the upstairs window,
A housesitter listening against absence
For silence to betray a breath, flutter
Papers, shake the presumption of a house

Watching you, out front where you should be,
Where you were: a civil engineer
Framing a silent star in the window
Built round where you stood on the south face,
Grounded then raised to secure the house.

We'd met, played a hand in the moment
(Looking after the future, the distant past,
Came later). We drew close as bridge players,
Loners reaching each other before I saw
Buster, the clown on the silver screen

You the bellboy in the phone booth, a duster
Tight in your hand, with undue diligence
Polishing the mime, keeping it new
Perfecting for both of us a paneless glass
To back up our reflections

That I may give you courage to weather
The end of silence and the coming of sound:
High wind machines, their six Liberty motors
Forceful and uplifting, the Great Stone Face
Unflappable, yet your pork pie hat has flown,

The front of our house has collapsed and I feel
The cold without your jacket round my shoulders.
Teach me how to fall like that,
Passing through you, unbroken,
Left standing at our top-floor window.

**Eleanor Norris (1918-1998) was married to Buster Keaton for 26 years. Owing in large part to her work, his reputation was restored to the ranks of great film comedians by the time of his death in 1966.*

A Day in the Life

Michael, disappointed in skaters
Taking to the lake with little
Interest in the underworld,
Had asked if we could paint a day
In the life of an orchestra;
No instruments, just the players,
Primer and oils, no one knew why.
His comments would burn each canvas
In a hissing and half-dry spitting.

Come the Spring when the blades run
Off their skates and into long grass
Cut and played between the lips
We try again like the season:
The flautist's finger-stopped doves
Are out of his care, unflaunted;
The first violin's split fingerprint
Is healing, and the rain is signed
By a harpist's softly-spoken hands.

Though he doesn't make a sound
The conductor's pitch-perfect
Instrument hidden in plain sight
Is an ear for memory
For an icy wind from the east
Blowing through the horns, aghast;
The strings pegged and petrified;
Beaten skins, breathless reeds,
Utter silence in the pit.

The runes for such a recital ...
A note dropping, the leavetaking
Of a skylark gone to ground. Where
Between the ear and the bird
Is the origin of its song?
Michael, we may have an answer
Before the harvest is in,
A field of musicians, all
Ears for a bird on the wing.

GREG SWEETNAM

Greg Sweetnam was one of the poets in the *OxfordPoets Anthology* (Carcenet, 2004), and he has been widely published elsewhere. He works for Facilities Management.

The Moon-Rose

i.m Christopher Steare, 1959-2017 *

Christopher, may you never grow old and grey,
Now you are full of sleep. I have lain awake,
Walked onto the landing where the window
Frames a vase, a moon-rose in water.
I take down your book, look for Mahon's *Mayo Tao*.
Within your pages all the lives of a leaf
Coming right for you in your last winter.
I turn for you, guitar-strapped, counting you in
Where we – truly, madly – serenaded
Michèle's bathroom door, the harmony sung
Now, without waiting, because I've understood:
You're on your way with whatever guides you now,
A white poppy, moon-rose, night-light.

** Author of A Study of Derek Mahon (Greenwich Exchange, 2017)*

Why Languages Matter

Sir—I would like to support Ben Bollig’s article on why languages matter (*Oxford Magazine*, No.433, 5th week, TT 2021). He quotes Katrin Kohl: “ultimately, though, every language is worth learning”. This is because of the value of any particular language, and because of what the learning process means in itself: “Committing to language learning and an understanding of cultural contexts is invaluable in fostering an open-minded willingness to engage with perspectives other than our own”.

It might interest readers that this applies even in academic fields as far from the study of languages as science. Spotting the linguistically misleading ideas in current gene-centric interpretations of biology critically depends on bringing experience of cultural contexts to see the hidden metaphors in our own language. Recall that Richard Dawkins originally claimed that ‘*The Selfish Gene*’ was literal factual truth until a philosopher referred to it in passing as “this metaphor”. His response was “that was no metaphor. I believe it is the

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literal truth, provided certain key words are defined in the particular ways favoured by biologists”.

Of course, a metaphor does not cease to be a metaphor simply because one defines a word to mean something other than its normal meaning. Indeed, it is the function of metaphor to do precisely this. I use around 5 different languages in lecturing internationally. From knowledge of those languages, I found the insights that Bollig and Kohl highlight to be repeatedly helpful in spotting such mistakes.

Yours sincerely

DENNIS NOBLE
Balliol College

Works on Paper

Sir—Bernard Richards regrets in his review of the Ashmolean exhibition *Pre-Raphaelites: Drawings and Watercolours* (*Oxford Magazine*, No. 433) that Burne-Jones’s drawing *Gualdrada Donati and Buondelmonte* was not included.

It was on my list, but the conservation team considered that it had had too much recent exposure. Works on paper are sensitive to light and there are strict rules about how often they can be shown. But this drawing (and others that I couldn’t include for the same reason) are usually available for people to see in the Western Art Print Room, which is now open again (by appointment, afternoons only).

Yours sincerely

CHRISTIANA PAYNE
Oxford Brookes University

REVIEWS

Back Where We Belong!



Rossini’s “*Un Turco in Italia*”, Glyndebourne, 23 May 2021.

THERE is always a mixture of excitement and anticipation at one’s first visit of the season to Glyndebourne, but this year it was even more so than usual. The world has changed since our last visit over 18 months ago, and never again shall we take the thrill of live musical theatre performance for granted. For sure there were some changes enforced by circumstance: queuing for a temperature check before going in, leaving contact details for every member of the party, having to wear a face mask inside, the reduced capacity of the auditorium meaning that one was only able to buy two tickets with two empty seats on either side of us in a ‘chequer board’ seating plan. Yet other elements were unchanged. The stoic (grim?) determination to have our starter in the garden, looking at the sheep in the field, notwithstanding the wind and showers; the elegant

attire sported by Glyndebourne aficionados, but, above all, everyone’s pleasure at just being there.

Rossini’s comic opera concerns a writer seeking inspiration from those around him for his next work. These include Fiorilla, who is bored with older husband (Geronio) and younger lover (Narciso), Zaida, living amongst gypsies but pining for her true love from whom she has been parted and Selim, the dashing eponymous Turk in Italy and Zaida’s former love. Selim and Fiorilla, the roving eyes in the story, are attracted to each other, and after Selim’s offer to Geronio to buy his wife is rejected, make plans to run away together at a masked ball. Cue multiple disguises and deception as, with a little prompting from the writer, three ‘Selims’ and two ‘Fiorillas’ go to the party. Selim goes off with Zaida (disguised as Fiorilla), Fiorilla goes off with Narciso (disguised as Selim), but ends up going back to Geronio after both promise to make more of an effort. So both couples are reunited, the writer has his story and everybody is where they should be.

The curtain opens to a book launch with the writer on his mobile phone, a prop which may not have featured in the

1814 original. Director Mariame Clement’s makes much of the role of the writer, as his notepad appears on screen with his ideas for the story (e.g. “19th century is not sexy; set in 1950s neo-realism”). Initially I thought this would be irritating, but it actually worked well being both amusing (“Geronio needs to man up”) and not too distracting. I liked the writer’s voice, baritone Alessio Arduini, as well as his lively interaction with the characters. However, I was perplexed by the addition of a non-speaking role for the writer’s girlfriend, which seemed to add little other than to give somebody else for the writer to interact with. The relationship of the writer and the protagonists reminded me of Pirandello’s “Six Characters in Search of an Author”.

In these Covid times, the production made a virtue out of necessity. Early on, two protagonists are squaring up to one another when someone rushes on to stage with a two meter pole to keep them apart. The masked ball was a disco with the audience wearing the blue face masks we have come to know so well. The chorus often came on in a mask but (fortunately) sang without them. It also added to the ‘contemporary’ setting for the writer.

The 1950s setting chosen by the writer gave rise to some period costumes: Selim had the slicked back hair and smart leather jacket (think the Fonz in 'Happy Days'), Geronio had a classic blue cardigan, and both Narciso and Geronio had scenes in a white vest... The second act was set in an Italian delicatessen. The staff (manager Geronio, Fiorilla and Narciso) wore shop-keeper's green overalls. One scene, in a vest, holding a sausage as a microphone, having used a ham as an air guitar, had me thinking of Freddie Mercury.

Soprano Elena Tsallagova as Fiorilla was an interesting choice. She sang really well, did full justice to the vocal range imposed on her, is undoubtedly pretty, but, and in this role it is an important but, did not come across as a natural flirt. Whereas mezzo Desiree Baraula's Zaida, a much plainer, loyal, long-suffering character, could definitely do sexy. I thoroughly enjoyed Nahuel Di Pierro's Selim, a lovely voice and showed great characterisation (oozing charm with Fiorilla, disingenuously matter of fact when making the purchase offer to Geronio, completely indecisive when forced to choose between Zaida and Fiorilla). Geronio (baritone Rodion Pogosssov) has to display the greatest range of emotion, as he flits between doormat husband, jealous lover and assertive master. He is ridiculous but he is also 'the mouse that roared'. Tenor Michele Angelini's Narciso has the least to do of the main characters, but he was more than competent in his aria (*'un vago sembiante di gioia'*). There was not a weak singer in the cast.

The orchestra was the London Philharmonic Orchestra. Deftly directed by Glyndebourne debutant the Italian Sesto Quatrini, it was socially distanced in the pit and seemed smaller than usual (possibly light on strings, but there were still a pair of French horns). However, the contrast between singers and orchestra remained well balanced, even if overall volume seemed down on previous years.

Overall, this was a really good production. My favourite scene was Selim offering to buy Fiorilla, with Geronio challenging him to a fight whilst threateningly twirling a string of sausages over his head. One of the reasons I enjoy Rossini is his penchant for ensemble singing as opposed to a succession of arias; for me, it adds to the vibrancy and underlines how much is happening on stage. Comic opera is meant to be fun, and this was (some of the wordplay in Selim and Fiorilla's initial flirting was very sharp-credit Lucy Wadham's text). This performance was an uplifting experience.

On the way home my wife said that this was the most normal thing we had done for months, and she was right. Yet at the same time, there is something magical and quite special about good live opera, which is far from 'normal'. There can be no doubt, however, that we were back where we belonged.

TIM WICKENS

Old Issues Updated

Nigel Biggar, *What's Wrong with Rights?* (OUP, 2020).



INDIVIDUAL rights and their relation to the social good are among the longest-standing and most widely-embracing of academic issues. They are central to civilisation. And there is scarcely a faculty—humanistic, technological or societal—on which they do not impinge as significant for both education and policy-making. Speaking personally, I retain the memory of my sixth-form History teachers introducing us to the debate between Edmund Burke and Tom Paine on the French Revolution, as well as to key features of North American history, notably the extraordinary juxtaposition of heroic liberation for some and enslavement of others, not to mention the fate of its native population.

Be that as it may, Nigel Biggar deserves high marks for his 350-page contribution—scholarly, meticulous, and elegantly written, the occasional stylistic blemish limited to the current fashion of superfluous prepositions (“outside of”, “to advocate for”) or the erroneous insertion of letter “e” into a court’s “judg[e]ment”. Disarmingly, the author seems almost surprised by his own scrupulousness and moderation. The book’s title, lest its declaration of doubt concerning rights-discourse be overlooked, is echoed in no less than five out of the twelve chapter-headings: “What’s Wrong with Subjective Rights?”, “What’s Wrong with Rights in Ethics?” and so forth. And most of the others include the phrase “The Sceptical Tradition” or “The Sceptical Critique and...”

Surveying the emergence of rights-talk in the context of Christian theology both mediaeval (Aquinas, William of Ockham and others) and early-modern (including Protestant theologians, as well as Hugo Grotius, father of international law), Biggar points out that linkages were emphasised between rights and corresponding duties, including law-abidingness and social cohesion. The Divine Right of Rulers also features, though perhaps less than one might have expected. These linkages were downplayed by the seventeenth-century contractarians (Hobbes, Locke), and still more by the rebels and revolutionaries who succeeded them in the next century, Jean-Jacques Rousseau not least. The stages of Biggar’s long-run story are correspondingly affected. At first (p.74), “In the wake of the French Revolution, the Roman Catholic Church refused natural or human rights-talk because of its association with Rousseau’s doctrine of popular sovereignty, whereby the national general will is the final moral and political authority, unconstrained by natural law”, let alone by divine ordinance.

The refusal endured until 1891, when Pope Leo XIII’s encyclical, *Rerum No-*

varum, restored human rights to the Church’s social teaching—once more specifically linked with divinely prescribed duties, institutions (notably marriage and the family) and professional commitments. Fast forward to the aftermath of World War II, and revulsion at the horrors of both Nazism and Stalinism. Roman Catholic influence was significant in advancing the Universal Declaration of Human Rights (1948) and, by extension, the European Convention on Human Rights (1950) as well as subsequent UN Covenants (on Economic, Social and Cultural Rights, and on Civil and Political Rights, both dated 1966.) An initial landmark was the philosopher Jacques Maritain’s work of 1944, *The Rights of Man and Natural Law*. Subsequent ones included Pope John XXIII’s encyclical of 1963, *Pacem in Terris*, as well as John Finnis’s 1980 treatise, *Natural Law and Natural Rights*. Arguably, in fact, Biggar over-emphasises Catholic influences relative to others, especially when assessing the universality—as against colonial or parochial “Westernism”—of human rights-talk. It is surprising, for example, to find zero mention of Rafael Lemkin (originator of the term “genocide”) or of the Lauterpachts father and son.

Biggar’s central message, however, is clear. A satisfactory integration of human rights-talk with democratic decision-taking and the social good remains to be achieved. While we have not slid all the way back to Rousseau, there is in to-day’s non-totalitarian societies too much of an air of lurking confrontation between routine governance and assumed individual entitlement. Rights, as Biggar expresses it in his concluding pages, “come at the end of a process of moral deliberation..., not at the beginning. The question of whether a legal right should be granted at all, and with what level of security, cannot be answered without reference to such considerations as feasibility, cost and risk..... Rights advocates need to grasp the nettle of the conditionality of rights and the need for principled compromise. And instead of thoughtlessly banging the indignant, theoretical drum of ‘universal and fundamental rights’, they should get down to the difficult business of demonstrating *why empirically, in these circumstances*, a certain right can be granted and secured, all things considered, and therefore should be.”

These conclusions, it should be stressed, stem not from Nigel Biggar’s *a priori* reflections, but from his detailed, hundred-page scrutiny: first, of several major human-rights cases—and commentaries upon them—before British, Canadian and European courts in the twenty-first century; and secondly, of arguments advanced and opinions expressed by three prominent human-rights lawyers in Britain—Shami Chakrabarti, Conor Gearty and Anthony Lester QC.

A final observation is that Professor Biggar’s focus, both here and in earlier

writings, is by no means confined to relations between a national government and its citizens. Particular institutions whose functioning attracts his interest include the armed forces and also the medical profession, notably in relation to end-of-life issues such as euthanasia. Perhaps in future he might care to give his attention to the governance of Oxford University and of its component bodies such as faculties and colleges. Here too there is a manifest “need for principled compromise” to safeguard the social good and realise academic potential.

PETER OPPENHEIMER

Staying in tune

Michael Spitzer, *The Musical Human: A History of Life on Earth* (Bloomsbury, 2021. £30).



In 1964 Jacques Chailley published *40,000 Years of Music*. He got through the first 39,000 years in two pages. Spitzer remedies this by devoting much more time to music, much of it non-human, going back millions of years. It is an impressive study, crammed with information and analysis. Anyone reading it will encounter things he or she did not know before. The main gist is that music is not just a grace note in animal and human history but an essential feature of evolutionary activity, in full-size print. This is not a new theory. Morse Peckham's *Man's Rage of Chaos* (1967) argues that when the arts featured dissonance and surprise it prepared mankind for the challenging chaos of the universe. It was an essential element in evolutionary development.

Spitzer poses many questions. One of them is ‘what is art?’ – which I have considered in a number of articles in this magazine, including a review of E.H. Gombrich's *The Preference for the Primitive* (No. 215) and the Ice Age Art exhibition (No. 335). He thinks that music as art begins round about 1800. I'd push it earlier than that. Music is art when it becomes self-sufficient, and exists in and for itself and not for any other practical purposes. I was listening to Bach's arrangement (BWV 974) of Alessandro Marcello's *Concerto in D minor* the other day; surely that's self-sufficient? Spitzer kicks the ladder from under himself when he entertains the possibility that birds can sing without the noise being involved in the functional ends of courtship and aggression, and many will assent to this view.

He does make one question many assumptions, so that one might look at Shelley's ‘To a Skylark’ (which he does not mention) in a sceptical light:

*Hail to thee, blithe Spirit!
Bird thou never wert,
That from Heaven, or near it,
Pourest thy full heart
In profuse strains of unpremeditated art.*

Yes, but is it art, and later in the poem can ‘hymn’ be an appropriate word, since, presumably, birds do not have access to symbolic language? Likewise one wonders whether Hardy was right, even though the poem is sceptical, to regard the darkling thrush's ‘good night air’ as ‘happy’.

Music and the other arts are associated with the impressive leap into symbolic understanding which the Neanderthals, so far as we know, were unable to follow. The 40,000 year old flutes speak volumes. Incidentally there is a crass and banal moment in Werner Herzog's film *Cave of Forgotten Dreams* (2010) when someone plays ‘The Star-Spangled Banner’ on such an instrument. At some point that film about Chauvet will have to be made again, more sympathetically and imaginatively, giving proper regard to the magic and mystery of that remote time.

Spitzer considers world music, in a wide-ranging overview. Western music in this context is important, but one tradition among many. The musical scale is not a universal – although even in Western music it took time for it to settle down, and the Renaissance, in the case of Gesualdo for instance, pursued micro-tones, building harpsichords with more than 12 notes per octave. Spitzer does not mention these, but he can't mention everything. One of the first instruments with an enharmonic keyboard was the archicembalo built by Nicola Vicentino (1511-1575), which had 36 keys per octave and was well suited for meantone temperament. Vicentino also had made arciorganos. None of his instruments survives. A keyboard instrument using a 31-note-to-the-octave system survives from the Renaissance: the ‘*Clavemusicum Omnitonus Modulis Diatonicis Cromaticis et Enearmonicis*’, built by Vito Trasuntino of Venice in 1606, to play the diatonic, chromatic and enharmonic scales. It is on display at the International Museum and Library of Music in Bologna.

In many ways he is unhappy with the contemporary situation, in which music is listened to passively and non-communally. And I'm sorry that the days are gone when people such as my Aunt Gwen could sing Bizet's ‘For love is like a gipsy boy’ in the front parlour of a semi-detached house in Woodsetton. Shortly after that piano-smashing competitions began. Spitzer mentions a participatory moment at the Royal Variety Performance in November 1963 when John Lennon said, just imagine, ‘For our last number I'd like to ask your help. Would the people in the cheaper seats clap your hands? And the rest of you, if you'll

just rattle your jewellery.’ Sorry this did not make it to *The Crown*.

Music in ancient times was associated with activities such as worship and work. One has that lovely picture, not mentioned by Spitzer, of Wordsworth's solitary reaper bending over her sickle:

*A voice so thrilling ne'er was heard
In spring-time from the Cuckoo-bird,
Breaking the silence of the seas
Among the farthest Hebrides.*

Spitzer mentions Marco Polo's account of a Tartar army of 760,000 warriors beating drums and playing on ‘two-stringed instruments’ before beginning battle – which would put Mahler's *Symphony of a Thousand* into the shade. He doesn't mention though the classic case of the jongleur Taillefer at the Battle of Hastings, singing from material which ended up in the *Chanson de Roland* and juggling his sword before the fight began, as recorded by various chroniclers, including Wace in the *Roman de Rou*:

*Taillefer, qui mult bien chantout,
sor un cheval qui tost alout,
devant le duc alout chantant
de Karlemaigne e de Rollant,
e d'Oliver e des vassals
qui morurent en Rencesvals.
(Taillefer, who sang right well,
Upon a swift horse
Sang before the Duke
Of Charlemagne and of Roland
And of Oliver and their vassals
That died at Roncesvalles.)*

Richard Strauss composed *The Ballad of Taillefer* (1903) which you can hear on the internet.

Music took its place in symbolic maps of the universe and society. It was thought, by Pythagoras for instance, to embody basic laws. Ulysses expresses the concept in Shakespeare's *Troilus and Cressida*: ‘untune that string and hark what discord follows.’ This quotation was used by Anthony Eden (Jeremy Northam) and Harold Macmillan (Anton Lesser) in *The Crown*, at a point in history when it is assumed politicians were more literary than they are now. And then there is Dryden's ‘Ode to St Cecilia’ (1687): ‘From harmony, from Heav'nly harmony/ This universal frame began.’ I'd better stop saying that Spitzer does not mention it. What he does mention though, and I did not know it, is that in Holbein's *The Ambassadors* the lute on the table has a broken string, indicating growing dis-harmony in the Reformation. The book next to it is of Luther's hymns. Music has been highly valued through the ages – although there is the regrettable case of the Mughal Emperor Aurangzeb in the seventeenth century banning it, causing musicians to organise a funeral of music.

Unlike many other traditions, Western music has been associated with progress and originality, and is at the heart of such developments. Spitzer regards it as no accident that Gallileo's father was the musician Vincenzo.

A question pursued through *The Musical Human* is whether music is a language. Spitzer takes the view that it isn't. I should have thought it was, often, and the case is well proposed by Deryck Cooke in *The Language of Music* (1959), which he does not mention. The female great tit (sorry, the producer of eggs) seen on camera in my bird-box this spring communicated to her mate that he should bring food for the chicks, in a new song. If Percy Edwards were here (remember him?) he could imitate it. The male, meanwhile, establishes territory with a special song, signalling to others to stay away. It's tempting to anthropomorphize bird and animals, but Meredith in 'The Lark Ascending' (which inspired Vaughan Williams of course) was right to say that the bird was free from the 'taint of personality'. In *De Rerum Natura* Lucretius credits birds with teaching man to sing:

*At liquidas avium voces imitauer ore
ante fuit multo quam levia carmina cantu
concelebrare homines possent aurisque
iuuare. V. 1379-81*

This is the Oxford don Thomas Creech's rather free translation (1682), in which he has added the concept of art:

*Through all the woods they heard the charming noise
Of chirping bird, and tried to frame their voice
And imitate. Thus birds instructed man,
And taught him songs before his art began.*

Had Lucretius been aware of whale-song he could have included that as an instructor.

Spitzer is not afraid of value-judgements. He refers to the 'comic case of the Eurovision Song Contest' and observes that Britain has 'submitted lousy songs'. It ran true to form this year with James Newman scoring an ignominious *nul points* for *Le Royaume Uni*. The winners, Maneskin, scored 524 points. He thinks that Galina Ustvolskaya is a better composer than Shostakovich. He is not especially impressed by Mozart as a child prodigy and regards Mendelssohn as more remarkable. Somewhat surprisingly he thinks that that expensively inane pap *Hamilton* is good. Listening to a few seconds (*pace* Obama) convinces one otherwise. He mentions the depressing phenomenon of skiffle. My school debating society featured 'This house thinks that Bach will be back when Donegan's gone again.' The motion was carried. Another debate was 'This house thinks that *The Goon Show* has produced a lot of silly twisted boys.' That was carried too.

The book concludes with a look into the music future, and developments produced by artificial intelligence. In many ways it's a gruesome prospect, but we are reminded that music is learnt, and that composers deal with inherited forms which can be manipulated, so there is no reason why machines should not continue the process. The *response* to music, though, is bound to continue as principally human. Which has to be learnt, and it is not necessarily universal. I understand that in the orient minor scales are not heard as melancholy. It seems that small children do not have an in-built sense of rhythm, any more than chimpanzees and other animals do. Gudrun Brangwen (Glenda Jackson) is perhaps wasting her time dancing in front of highland cattle

in Ken Russell's *Women in Love*; ditto the cello players and their cows in Denmark recently reported. You can see the scene in the film on the internet. What I had forgotten is that at the end of scene Birkin (Alan Bates) segues into a quite different mood by singing to Ursula the ragtime song (1911) 'Oh my beautiful doll, you great big beautiful doll. Let me put my arms around you....' Not in the novel of course.

Spitzer imagines a future in which Des Esseintes's dreams in J. K. Huysmans's *A Rebours* of instant synaesthesia are realisable with sounds converted to smells and tastes by the kind of clever device that turns up on *Click*: a technotopia where 'osseo-integrated devices implanted in your head' will enable wireless transmission of sounds, to be heard in colours and tastes if necessary. Don't forget Baudelaire's 'Les Phares':

*Delacroix, lac de sang hanté des mauvais anges,
Ombragé par un bois de sapins toujours vert,
Où, sous un ciel chagrin, des fanfares étranges
Passent, comme un soupir étouffé de Weber;
(Delacroix, lake of blood haunted by bad angels,
Shaded by a wood of fir-trees, always green,
Where, under a gloomy sky, strange fanfares
Pass, like a stifled sigh from Weber;)*

Still, much remains from the treasure-house of music to enjoy, and the bird-song. For the time being, at least, we are still able to replicate Browning's experience in 'Oh, to be in England':

*That's the wise thrush; he sings each song
twice over,
Lest you should think he never could recapture
The first fine careless rapture!*

BERNARD RICHARDS

NOTICE

Jane Griffiths, literary editor of the *Oxford Magazine*, will be pleased to read literary submissions of any description—e.g. verse, critical prose, very short stories, segments of dialogue, reviews of new dramatic productions and books, etc. Submissions should be no longer than 750 words, and where possible should be sent by email attachment to jane.griffiths@ell.ox.ac.uk together with a two-sentence bio.

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